**Disability Services Commission Board**

**Charter**

August 2024

Version # 2.0

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# Definitions

**“Act”** means the *Disability Services Act 1993*

**“Board”** means the Disability Services Commission Board

**“Chairperson”** means the Chairperson of the Disability Services Commission Board

**“Chief Executive Officer”** means the highest senior executive officer of the Disability Services Commission

**“Communities”** means the Department of Communities

**“member”** means a member of the Disability Services Commission Board

**“Minister or Minister for Disability Services”** means the Minister to whom administration of the *Disability Services Act 1993* is committed

**“Secretariat”** means the public officers employed by the Department of Communities who support the administration of the Disability Services Commission Board

# Background

The Disability Services Commission Board (the Board) is established under the *Disability Services Act 1993* (the Act) s7 and Schedule 3. The Board is the governing body of the Disability Services Commission and is to perform the Commission’s functions under the Act or any other written law.

The Board comprises nine members appointed by the Minister for Disability Services from people nominated through an advertised recruitment process (section 7(2a)).

Division 4 of the Act defines the relationship between the Disability Services Commission and the Minister for Disability Services. This includes the ability for the Minister to give directions to the Commission with respect to the performance of its functions and to require the Commission to implement government wide policies and the requirement to consult with the Minister on major initiatives.

The Minister for Disability Services provides a *Statement of Expectation* for the strategic direction of the Board, and the Board responds with its *Statement of Intent*, which serves as a commitment to the Minister’s expectations. These documents will remain in place until a change of government or Minister, or until a two-yearly review or other occurrence that deems a review of these documents necessary.

Members are responsible for familiarising themselves with the requirements of the Board, and their own requirements as a member. The Public Sector Commission has resources to guide and support members. (Part 6 – References and Related Documents)

The Public Sector Commission website under the link to *Boards and Committees* contains guiding information for government boards and committees.

## Scope

This charter outlines the obligations and responsibilities of the Board in accordance with the Act and acknowledges that some disability services have moved from the Disability Services Commission to the National Disability Insurance Scheme (NDIS) while others are integrated throughout Communities*.*

The Board continues to oversee, on behalf of the Disability Services Commission, finance, risk management, and service delivery as well as driving and promoting the State Disability Strategy and its action plans.

The Board is also involved in the Western Australian Disability Advisory Council with members of the Ministerial Advisory Council on Disability.

## Members’ roles and responsibilities

The strategic leadership provided by the Board should place emphasis on Communities achieving its vision.

The Board will work to achieve this vision by:

* Ensuring the strong and central involvement of people with disability, their families and carers, in advising and leading strategic developments.
* Providing strong leadership to champion the rights of people with disability, their families and carers.
* Actively engaging communities, disability sector organisations, the private sector, and all levels of government.
* Ensuring our directions are guided by contemporary thinking and evidence-based practice.

Members are appointed to the Board who have expertise relevant to the functions of the Commission and its operations, including expertise in management, finance, law, marketing, and the provision of services in the public and private sectors and, people who have knowledge of, and experience in, matters relevant to people with disability.

Members (apart from the Chairperson) may serve consecutive terms of appointment up to a maximum of six years. Where members (apart from the Chairperson) have served consecutive terms of appointment totalling six years they cannot be re-appointed to the Board unless three years have elapsed since their last term ended. The Chairperson may serve consecutive terms of appointment greater than six years.

The Minister appoints one of the members to be the Chairperson and another of the members to be the deputy Chairperson.

The roles and responsibilities of members are determined by the Act and other related legislation (see Part 6 below References and Related documents), this Charter and the Code of Conduct and these documents should be read in conjunction with each other.

All members are:

* required to participate fully in discussions and respond to out of session requests, perform their duties in good faith and in the best interests of the Commission.
* individually and collectively responsible to ensure the Board is undertaking its responsibilities.
* to comply with the Code of Conduct.
* expected to exemplify a values-based approach when expressing their views even when they may dissent from other members.
* be mindful of diversity and inclusion in all discussions, decisions and recommendations.

The Chairperson provides leadership and insight to ensure delivery of the Board’s purpose through engagement with all members.

# Processes

**Chairperson and Executive Director meetings**

The Executive Director, Office of Disability and the Chairperson meet in advance of each meeting to discuss topics and the order of the agenda.

**Board meetings**

Ordinary Board meetings will be held every second month, with the first meeting for each year being in February.

Where there are matters of urgent and critical importance that cannot be dealt with out of session, a Special Meeting may be called with three days’ notice

**Meeting papers distribution**

Meeting papers will be distributed via email one week prior to the meeting. The papers will also be added to the Microsoft Teams online storage facility.

Urgent and unavoidably late papers will be circulated no later than 10 am three days before the meeting.

**Meetings**

At every meeting, members will:

* Identify strategic risks and oversight their mitigation.
* Acknowledge and record any conflicts of interests (actual, potential or perceived) in accordance with the Code of Conduct.

Meetings open with an Acknowledgement of Country or, if the Chairperson is Aboriginal, a Welcome to Country or Acknowledgment of Country (as appropriate).

Members should attend meetings in person where possible. If a member is unable to attend in person, a link to attend the meeting online should be arranged with the secretariat.

Where a member is unable to attend a meeting, they should notify the Chairperson as soon as possible prior to a meeting.

The Board must keep minutes of its meetings. The minutes of the previous meeting will be presented for Board consideration at the next meeting.

**Meeting Quorum(s)**

To constitute a meeting, six members must be present for the whole of the meeting, either in person or virtually.

**Out-of-session approvals**

Where urgent and critical decisions are needed between meetings, out of session Board approval may be sought with the approval of the Chairperson or following a decision of the Board at a previous meeting. This will be done by Flying Minute that will identify the purpose and recommendation, which will be circulated by email. Members will be required to approve or not approve the recommendation.

A recommendation will be considered approved where not less than six Board members approve the recommendation in writing.

The decision will be Minuted in the next Board meeting’s Minutes.

**Financial Reports**

Financial Reports of the Disability Services Commission budget expenditure is provided at each meeting for review and endorsement.

**Audit and Risk Management**

The risk management function at the Department of Communities (Communities), covers all activities undertaken by Communities including those undertaken on behalf of the Board and is facilitated by the Risk Branch, located within the Professional Standards directorate.

Communities’ Risk Management Policy and Framework that has been approved by the Communities Leadership Team and presented to the Audit and Risk Committee (ARC) for input and noting. These documents are reviewed annually and are aligned to *ISO 31000:2018 – Risk Management and Treasurer’s Instruction 4*.

The ARC oversees audit and risk activities within Communities to provide independent assurance of the risk function and its performance. The ARC is independently chaired and has one Disability Services Commission Board representative as an independent member.

The Risk Branch has responsibility for the business continuity framework and ensuring that Business Continuity Plans are in place for all Communities divisions and critical business units, including all business areas dealing with disability services.

**Services**

Services for people with disability that are provided by the Disability Services Commission (through Communities) are monitored for effectiveness of service outcomes and budget implications by way of a regular report to the Board from the Community Services directorate.

**Sub-committees**

The Disability Services Commission (DSC) Board Quality and Safeguards Sub-Committee (Quality and Safeguards Sub-Committee) is established to have oversight of NDIS quality and safeguarding compliance and associated strategic risks, in the delivery of Supported Independent Living supports to people with disability in Communities’ Supported Community Living facilities.

As outlined in the Quality and Safeguards Sub-Committee Terms of Reference, the Board is responsible for functions and outcomes expected of the “governing body” and “key personnel” under the:

* National Disability Insurance Scheme Act 2013
* National Disability Insurance Scheme (Quality Indicators) Guidelines 2018, and
* National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules

**New member induction**

All new members will receive a comprehensive information pack and induction session prior to their commencement on the Board.

**Remuneration**

Schedule 3 clause 4 of the Act provides that members of the Board are entitled to be paid such remuneration allowances as determined by the Minister from time to time, on the recommendation of the Public Sector Commission.

**Leave of Absence**

The Chairperson may, by written notice to a member, grant the member leave to be absent for no more than two consecutive meetings.

In the case of the Chairperson, the Minister may, by written notice, grant the Chairperson leave to be absent for no more than two consecutive meetings.

**Review of this Charter**

The Office of Disability will review this Charter annually.

# References and related documents

* [Disability Services Act 1993](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a224.html)
* [Financial Management Act](https://www.legislation.wa.gov.au/legislation/statutes.nsf/RedirectURL?OpenAgent&query=mrdoc_45527.docx)
* [State Records Act 2000](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_44504.pdf/%24FILE/State%20Records%20Act%202000%20-%20%5B01-g0-00%5D.pdf?OpenElement)
* [Good governance for public sector agencies](https://www.wa.gov.au/government/publications/good-governance-public-sector-agencies): lists 9 principles and related legislation
* [Good governance guide for public sector agencies checklist](https://www.wa.gov.au/system/files/2020-07/Good%20governance%20guide%20for%20public%20sector%20agencies%20checklist%202020.DOCX)
* [Governance Manual for WA Government Boards and Committees](https://www.wa.gov.au/system/files/2021-11/Governance%20Manual%20for%20Western%20Australian%20Government%20Boards%20and%20Committees_0.pdf)
* Disability Services Commission Board – Code of Conduct
* Delegations under section 14 of the *Disability Services Act 1993* including to the Executive Director, Office of Disability (Refer A11146872 for full list of delegations)
* [Statutory Corporations (Liability of Directors) Act 1996 - (legislation.wa.gov.au)](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43777.pdf/%24FILE/Statutory%20Corporations%20%28Liability%20Of%20Directors%29%20Act%201996%20-%20%5B06-d0-00%5D.pdf?OpenElement#:~:text=Published%20on%20www.legislation.wa.gov.au%20Western%20Australia%20Statutory%20Corporations%20%28Liability,the%20case%20of%20certain%20statutory%20corporations%20and%20for)
* [Public Interest Disclosure](https://www.wa.gov.au/organisation/department-of-finance/public-interest-disclosure) Act 2003
* [Governance e-Learning for WA Government Boards and Committees](https://induction.publicsector.wa.gov.au/boardsandcommittees/index.html#/)